Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte RAMA RAO KOCHERLAKOTA, SETH STAFFORD
and GEORGE BUZSAKI

_____

Appeal No. 2003-1113
Application No. 09/286,124

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ON BRIEF

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Before JERRY SMITH, OWENS, and SAADAT, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This appeal is from the final rejection of claims 1-38, which are all of the claims in the application.

THE INVENTION

The appellants claim a method, apparatus and computer readable medium for facilitating communication between objects across a network. Claim 1, directed toward the method, is illustrative:

1. A computer implemented method for facilitating communication between objects across a network, comprising the acts of:

receiving on a second side of a network a message batch from a first side of said network, said message batch comprising a plurality of messages from a first plurality of objects;

parsing said plurality of messages from said message batch; and

distributing said plurality of messages to a second plurality of objects, wherein each of said second plurality of objects provides an implementation for a common interface which is invoked to distribute said plurality of messages to said second plurality of objects.

THE REFERENCES

Noble et al. (Noble) 5,822,585 Oct. 13, 1998

Jun-ichiro Itoh et al. (Itoh), "Using meta-objects to support optimisation in the Apertos operating system" 1-14, *originally in Proc. USENIX Conf. on Object-Oriented Tech.* (Monterey, Cal., June 1995).

THE REJECTION

Claims 1-38 stand rejected under 35 U.S.C. § 103 as being unpatentable over Noble in view of Itoh.

OPINION

We reverse the aforementioned rejection.

Each of the appellants' independent claims requires sending messages from objects on one side of a network across the network as a batch.

Noble discloses an object-oriented framework wherein messages are sent from objects on one side of a network to

objects on another side of the network (col. 2, lines 40-67). Noble does not disclose sending the messages as a batch.

Itoh discloses an object-oriented operating system wherein an object accesses another object by calling into its meta-space, a meta-space being a set of meta-objects that manages a simple object (page 4). "The meta-objects are associated with the simple object via a descriptor object that holds a reference to all the required meta-objects." *See id.* A meta-space can be represented by an object called a reflector which gathers statistics on message communication patterns, thereby enabling the meta-space to reconfigure itself to change the send mode from a simple send per invocation to a batched send (pages 4 and 10-11). Batching two or more messages into a single packet reduces execution time (page 10).

The examiner argues:

> [I]t would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the message batching technique applied on the distributed object network as taught by Itoh into the Noble's system. Doing so would speed up the performance on the distributing object network. [answer, page 4]
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> * * *
>
> Examiner notes Itoh discloses a network using object oriented technology, including message batching technique [Itoh page 10]. [answer, page 8]
>
> * * *
>
> Examiner notes both Noble and Itoh teach Object Oriented technology applied to a network environment

> including message batching technique. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Noble-Itoh teachings in order to provide an efficiency and reliability technique to delivery the batch message via a network. [answer, page 8]
>
> * * *
>
> Examiner notes the prior art taught message batching. It is clearly sending and receiving side can send and receive a plurality of message from a first plurality of objects as batch message [Itoh page 10]. [answer, page 8]

The examiner's arguments indicate that the examiner interprets Itoh as disclosing sending message batches between objects across a network. As discussed above, however, what Itoh discloses is using message batching when sending messages between objects within an operating system to reduce the execution time in the operating system. The examiner has not established that Noble and Itoh would have fairly suggested, to one of ordinary skill in the art, using message batching when sending messages across a network. It reasonably appears that at most, Noble and Itoh would have fairly suggested, to one of ordinary skill in the art, using message batching when sending messages between objects within each operating system on each side of Noble's network.

We therefore conclude that the examiner has not carried the burden of establishing a *prima facie* case of obviousness of the appellants' claimed invention.

DECISION

The rejection of claims 1-38 under 35 U.S.C. § 103 over Noble in view of Itoh is reversed.

REVERSED

Jerry Smith Administrative Patent Judge	)
Terry J. Owens Administrative Patent Judge	) BOARD OF PATENT) APPEALS AND) INTERFERENCES
Mahshid Saadat Administrative Patent Judge	)

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